Docket No. 3842-4036US3

Express Mail No. EV357835663US

## 27123

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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE UTILITY APPLICATION AND FEE TRANSMITTAL §(1.53(b))

Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

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Transmitted herewith for filing is the patent application of

Inventor(s) names and addresses:

- (1) Conceicao MINETTI 14 Kathryn Street Clark, New Jersey 07066 U.S.A.
- (2) Francis MICHON 4401 Rosedale Avenue Bethesda, Maryland 20814 U.S.A.

under 35 U.S.C. §122(b).

Additional inventors are listed on a separate sheet

For: MODIFIED IMMUNOGENIC PNEUMOLYSIN COMPOSITIONS AS VACCINES

### Enclosed Are:

80 1 8 23 6	page(s) of specification page(s) of Abstract page(s) of claims 1-30 sheets of  Formal  Informal drawings page(s) of Declaration and Power of Attorney
	<ul> <li>Unsigned</li> <li>Newly Executed</li> <li>Copy from prior application</li> <li>Deletion of inventors including Signed Statement under 37 C.F.R. §1.63(d)(2)</li> </ul>
	REQUEST AND CERTIFICATION UNDER 35 U.S.C. §122(b)(2)(B)(i) (form PTO/SB/35)  As indicated on the attached Request and Certification, Applicant(s) certify that the invention disclosed in the attached application HAS NOT and WILL NOT be the subject of an application

filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Applicant(s) therefore request(s) that the attached application NOT be published

$\bowtie$	Incorporation by Reference:
	The entire disclosure of the prior application, from which a copy of the combined Declaration and Power of Attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.
	Deletion of Inventors (37 C.F.R. §1.63(d) and §1.33(b)
	Signed statement attached deleting inventor(s) named in the prior application serial no, filed
	Microfiche Computer Program (Appendix)
	<ul> <li>         ∑ 12 page(s) of Sequence Listing</li></ul>
$\boxtimes$	Assignment Papers (assignment cover sheet and assignment documents)
	<ul> <li>A check in the amount of \$40.00 for recording the Assignment</li> <li>Charge the Assignment Recordation Fee to Deposit Account No. 13-4500, Order No</li> <li>Assignment Papers filed in the parent application Serial No. 09/120,044</li> </ul>
	Certification of chain of title pursuant to 37 C.F.R. §3.73(b)
	Priority is claimed under 35 U.S.C. §119 for: Application No(s), filed, in (country).
	Certified Copy of Priority Document(s) []  filed herewith filed in application Serial No, filed  English translation document(s) []  filed herewith filed in application Serial No, filed
$\boxtimes$	Priority is claimed under 35 U.S.C. §119(e) for: Provisional Application No. <u>60/053,306</u> , filed <u>July 21, 1997</u> and Provisional Application No. <u>60/073,456</u> , filed <u>February 2, 1998</u> .
$\boxtimes$	Information Disclosure Statement
	<ul> <li>Copy of [] cited references</li> <li>PTO Form-1449</li> <li>References cited in parent application Serial No. 09/120,044, filed July 21, 1998.</li> </ul>

	Related Case Statement under 37 C.F.R. §1.98(a)(2)(iii)
	A copy of related pending U.S. Application(s) Serial No(s):, filed, respectively, is attached hereto.
	A copy of related pending U.S. Application(s) entitled,, filed to inventor(s), respectively, is attached hereto.
	A copy of each related application(s) was submitted in parent application serial no, filed
$\boxtimes$	Preliminary Amendment
$\boxtimes$	Return receipt postcard (MPEP 503)
1	This is a continuation divisional continuation-in-part of prior application serial no. 09/120,044 filed July 21, 1998, to which priority under 35 U.S.C. §120 is claimed.
	Cancel in this application original claims of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
	A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application).
$\boxtimes$	The status of the parent application is as follows:
	A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until
	A copy of the Petition for Extension of Time in the co-pending parent application is attached.
ž	No Petition for Extension of Time and Fee therefor are necessary in the copending parent application.
	Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.
	Transfer the drawing(s) from the parent application to this application
$\boxtimes$	Amend the specification by inserting before the first line the sentence:  This is a continuation divisional continuation-in-part of co-pending application Serial No. 09/120,044, filed July 21, 1998, which claims benefit of Provisional Application Serial No. 60/053,306, filed July 21, 1997 and Serial No. 60/073,456, filed February 2, 1998.

I. CALCULATION O	Number Filed	Number Extra	Rate	Basic Fee \$770.00/385.00
Total Claims	11- 20 =	0 x	\$18.00/ \$9.00	\$ 0
Independent Claims	4- 3 =	1 x	\$86.00/ \$43.00	\$ \$86.00
Multiple Dependent Claims		If marked, add fee of \$290.00 (\$145.00)		\$
			TOTAL:	\$856.00

	Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith \$
$\boxtimes$	A check in the amount of \$856.00 in payment of the application filing fees is attached.
	Charge fee to Deposit Account No. <u>13-4500</u> , Order No A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
	The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency with the parent application, or credit any overpayment to Deposit Account No. <u>13-4500</u> , Order No. 3842-4036US3. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted, MORGAN & FINNEGAN, L.L.P.

Dated: February 23, 2004

Evelyn M. Kwoń

Registration No. 54,246

## Correspondence Address:

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## LIST OF ADDITIONAL INVENTORS

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- (5) Shu-Mei LIANG2F, No. 48, Sec. 2Academia Sinica Rd. NankangTaipei, Taiwan 11529
- Joseph Y. TAI1635 Limekiln PikeDresher, Pennsylvania 19025U.S.A.

**PATENT** Docket No. 3842-4036US2

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)

Witold Cieplak

Divisional of

Serial No.

09/120,044

Group Art Unit: TBA

Filed

Herewith (February 23, 2004

Examiner: TBA

For

MODIFIED IMMUNOGENIC PNEUMOLYSIN

COMPOSITIONS AS VACCINES

## **EXPRESS MAIL CERTIFICATE**

Express Mail Label No. EV 357835663 US

Date of Deposit February 23, 2004

I hereby certify that the following attached paper(s) or fee

- 1. Utility Application and Fee Transmittal (1.53(b)) (5 pages), including check in the amount of \$856.00 to cover filing fee;
- 2. Divisional Application (80 pages of Specifications, 1 page of Abstract, 8 pages of Claims 1-30; and 23 sheets of Formal Drawings);
- 3. Preliminary Amendment (13 pages);
- 4. Copy of Declaration and Power of Attorney (8 pages);
- 5. Copy of Assignment papers (7 pages);
- 6. Copy of Forms PTO 1449 (9 pages;
- 7. Copy of 12 page(s) of Sequence Listing, computer readable disk containing Sequence Listing, and Statement under 37 C.F.R. §1.821(f) or §1.825 (1 page);
- 8. Return postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Albert Isles

(Typed or printed name of person mailing paper(s)

vafure of person mailing paper(s) and/or fee)

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